

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-cv-20835-BLOOM/Otazo-Reyes

RONALD SATISH EMRIT,

Plaintiff,

v.

SAINT THOMAS UNIVERSITY SCHOOL
OF LAW,

Defendant.

**ORDER DENYING LEAVE TO
PROCEED IN FORMA PAUPERIS ON APPEAL**

THIS CAUSE is before the Court upon Plaintiff Ronald Satish Emrit's ("Plaintiff") Application to Proceed in District Court without Prepaying Fees or Costs, ECF No. [16] ("Motion"), filed on April 8, 2022. On March 24, 2022, the Court entered an order dismissing this case. ECF No. [11] ("Order"). Plaintiff has since filed a notice of appeal with respect to the Order. ECF No. [12] ("Notice of Appeal"). The Motion is due to be denied for two reasons: (1) the Motion does not satisfy the requirements of Rule 24(a)(1) of the Federal Rules of Appellate Procedure; and (2) Plaintiff's appeal is not taken in good faith.

First, Rule 24 of the Federal Rules of Appellate Procedure provides that a party filing a motion in the district court seeking to appeal *in forma pauperis* must attach an affidavit to the motion that, among other things, "claims an entitlement to redress" and "states the issues that the party intends to present on appeal." Fed. R. App. P. 24(a)(1)(B)-(C). The Motion does not include a claim with entitlement to redress, nor does it state the issues Plaintiff intends to present on appeal. *See generally* ECF No. [16].

Second, “[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). “A party demonstrates good faith by seeking appellate review of any issue that is not frivolous when examined under an objective standard.” *Ghee v. Retailers Nat’l Bank*, 271 F. App’x 858, 859 (11th Cir. 2008). A claim is frivolous “where it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). “[A]rguable means capable of being convincingly argued.” *Sun v. Forrester*, 939 F.2d 924, 925 (11th Cir. 1991) (internal quotations and citations omitted). In other words, an appeal filed *in forma pauperis* is frivolous “when it appears the plaintiff has little or no chance of success,” meaning that the “factual allegations are clearly baseless or that the legal theories are indisputably meritless.” *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993) (internal quotation marks omitted). “In deciding whether an [*in forma pauperis*] appeal is frivolous, a district court determines whether there is ‘a factual and legal basis, of constitutional dimension, for the asserted wrong, however inartfully pleaded.’” *Sun*, 939 F.2d at 925 (citation omitted).

In the Order, the Court determined that “Plaintiff’s claims are clearly baseless and must be dismissed.” ECF No. [11] at 7. In addition, the Court highlighted that Plaintiff “is no stranger to federal court” and has been classified as a vexatious litigant in several jurisdictions. *Id.* at 6-7. As such, the Court certifies that this appeal is not taken in good faith.

Accordingly, it is **ORDERED AND ADJUDGED** that the Motion, ECF No. [16], is **DENIED** consistent with this Order.

DONE AND ORDERED in Chambers at Miami, Florida, on April 22, 2022.

A handwritten signature in black ink, appearing to be 'JB' or similar, written over a horizontal line.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Case No. 22-cv-20835-BLOOM/Otazo-Reyes

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